

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BLACK LIVES MATTER SEATTLE-KING  
COUNTY, ABIE EKENEZAR, SHARON  
SAKAMOTO, MURACO KYASHNA-  
TOCHA, ALEXANDER WOLDEAB,  
NATHALIE GRAHAM, AND ALEXANDRA  
CHEN,

Plaintiffs,

vs.

CITY OF SEATTLE,

Defendant.

No. 2:20-CV-00887 RAJ

STIPULATED ORDER ENTERING A  
PRELIMINARY INJUNCTION

WHEREAS on June 12, 2020, this Court conducted a hearing on Plaintiffs' Motion for Temporary Restraining Order, having reviewed briefs and supporting materials from the parties and hearing argument from counsel. *See* Dkts. 6-22, 25-33, 35-36.

WHEREAS, on June 12, 2020, this Court entered a Temporary Restraining Order against Defendant, City of Seattle, terminable on June 26, 2020. Dkt. 34.

1 WHEREAS, on June 17, 2020, the parties stipulated and agreed to entry of a preliminary  
2 injunction without any admission by Defendant of wrongdoing or violation of law.

3 Based on the foregoing and the record before the Court, the Court hereby ORDERS:

4 (1) The City of Seattle, including the Seattle Police Department and any other officers,  
5 departments, agencies, or organizations under the Seattle Police Department's control  
6 (collectively, "the City"), is hereby enjoined from employing chemical irritants or projectiles  
7 of any kind against persons peacefully engaging in protests or demonstrations. This injunction  
8 includes:

9 (1) any chemical irritant such as and including CS Gas ("tear gas") and OC spray ("pepper  
10 spray") and (2) any projectile such as and including flash-bang grenades, "pepper balls,"  
11 "blast balls," rubber bullets, and foam-tip projectiles. This Order does not preclude individual  
12 officers from taking necessary, reasonable, proportional, and targeted action to protect against  
13 a specific imminent threat of physical harm to themselves or identifiable others or to respond  
14 to specific acts of violence or destruction of property. Further, tear gas may be used only if  
15 (a) efforts to subdue a threat by using alternative crowd measures, including pepper spray, as  
16 permitted by this paragraph, have been exhausted and ineffective and (b) SPD's Chief of  
17 Police has determined that use of tear gas is the only reasonable alternative available. The  
18 Chief of Police may only authorize limited and targeted use of tear gas and must direct it to  
19 those causing violent or potentially life-threatening activity. To the extent that chemical  
20 irritants or projectiles are used in accordance with this paragraph, they shall not be deployed  
21 indiscriminately into a crowd and to the extent reasonably possible, they should be targeted  
22 at the specific imminent threat of physical harm to themselves or identifiable others or to  
23 respond to specific acts of violence or destruction of property.

1 (2) In the event that Plaintiffs seek relief for an alleged violation of this Order, the City must  
2 respond to the motion for relief within 24 hours.

3 (3) Because this is a non-commercial case, the balance of hardships favors Plaintiffs, and there  
4 is no realistic likelihood of harm to the City of Seattle from enjoining its conduct, the Court  
5 waives the security bond requirement.

6 (4) This Order will expire on September 30, 2020.

7 (5) This Order is extendable or terminable by stipulation of the parties.

8  
9 DATED this 17th day of June, 2020.

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12 The Honorable Richard A. Jones  
13 United States District Judge  
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